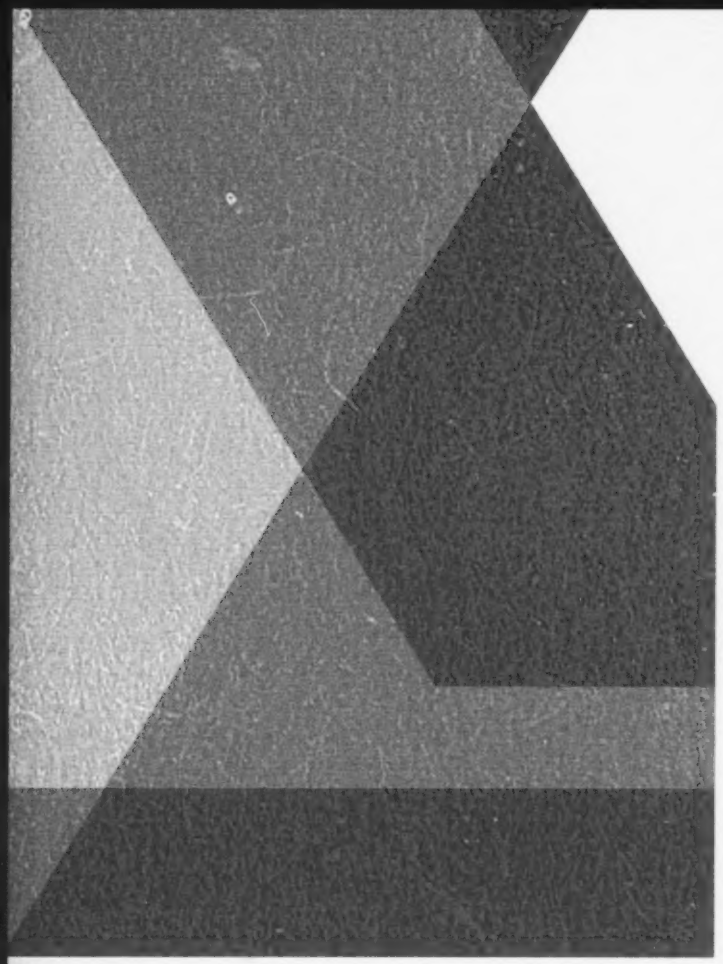

Business Plan 2018–19

Public Prosecution Services

NOVA SCOTIA

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Budget 2018–19: Business Plan
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Table of Contents

Message from the Director 2
Mandate 3
Core Functions 3
Goals 3
Priorities/Activities/Initiatives for 2018-19 4
Responding to the Jordan Decision 4
Domestic Violence Court – Cape Breton 5
Domestic Violence Court – Expansion – Halifax Regional Municipality 5
Financial Summary 6

Message from the Director

To enhance its important role in the Criminal Justice System in this province, the Public Prosecution Service has undertaken several new initiatives.

Since the Supreme Court of Canada's 2016 Jordan decision, our focus has been on monitoring cases at risk. This, together with collaboration with other justice system partners, has achieved positive results. Few stays of proceedings have been entered by the Courts in Nova Scotia under the Jordan ruling.

The additional resources made available to the Public Prosecution Service by government have been applied to support a four-person intake team operating in the Dartmouth Provincial Court. This team is having a positive impact with cases being resolved by way of a guilty plea at an earlier stage, and earlier identification of those cases requiring additional police investigation, thereby improving the quality of prosecution files.

The Service continues to contribute to the existing Domestic Violence Court operating in Cape Breton and is playing its role in the newly established Domestic Violence Court in the Halifax Regional Municipality.

Prosecution services across Canada are striving to improve how they respond to the societal problem of sexual violence. To this end, this Service has adopted an enhanced prosecution model, with two dedicated head office Crown Attorneys who will focus on sexual assault prosecutions and provide specialized training to other Crown Attorneys.

One of the most important goals of the Public Prosecution Service is to be reflective of the community it serves. The Service is making significant progress in diversifying its workforce. In addition, policy is under development to respond to the specific needs of our Indigenous population, many of whom feel disadvantaged by the current system. In June of 2018, the Wagmatcook Court will open, and justice will be delivered to the residents of Victoria County, both Indigenous and non-Indigenous, from this Provincial Court permanently located at this First Nation community. The Public Prosecution Service is proud to participate in this innovative justice project.

Sincerely,

Original signed by

Martin E. Herschorn, QC
Director of Public Prosecutions

Mandate

The Nova Scotia Public Prosecution Service (PPS) is a functionally independent agency of government created by the Public Prosecutions Act. It shares a common Minister and some common services with the Department of Justice, but it is not a division nor part of the Department of Justice. In addition to its statutory responsibilities, the Public Prosecution Service and its members contribute, where appropriate and feasible, to the formulation of public policy in the administration of justice.

The Public Prosecution Service, by statute, is responsible for:

- prosecution of all Criminal Code offences;
- prosecution of some other federal statutes;
- prosecution of provincial summary conviction offences;
- appeals before the Supreme Court of Nova Scotia;
- appeals before the Nova Scotia Court of Appeal;
- appeals before the Supreme Court of Canada;
- representation at Criminal Review Board hearings; and
- providing advice to police in respect of prosecutions generally or in respect of particular investigations.

Core Functions

The core functions of the Nova Scotia Public Prosecution Service are to:

- Represent the Crown in the conduct of criminal trials and quasi-criminal appeals before all levels of courts.
- Participate in the development of criminal law and criminal prosecutions policy.
- Provide advice to police in respect of prosecutions generally or in respect of particular investigations.

Goals

The following goals will help support the Public Prosecution Service in achieving its mandate and performing its core functions:

- Through cooperation with other Justice partners, continue to develop strategies to deal with the new delay framework set out by the Supreme Court of Canada in its R. v. Jordan decision in July, 2016.
- The Domestic Violence Court staff positions in the Cape Breton Region have been made permanent.
- The Domestic Violence Court expansion, announced in the October 13, 2016 Throne Speech, officially opened on February 28, 2018. This court sits one day a week at the Provincial Court on Spring Garden Road in Halifax and has a dedicated Crown Attorney assigned to this Court.

Priorities/Activities/Initiatives for 2018-19

Responding to the Jordan Decision

In July 2016, the Supreme Court of Canada rendered a judgement in the appeal of R. v. Jordan which set new rules for an accused's right to be tried within a reasonable time period. All Supreme Court cases and all trials which have a preliminary inquiry, now have a time limit of 30 months from the date when the charge has been laid to the completion of the trial. For Provincial Court trials, the time limit is 18 months from the date when the charge has been laid to the completion of the trial. For cases which go over these time limits, the delay is considered to be presumptively unreasonable and the charges will be stayed. The only recourse at our disposal is for Crown Attorneys to establish the presence of exceptional circumstances, which are defined as being outside the Crown's control in the sense that (1) they are reasonably unforeseen or reasonably unavoidable, and (2) the Crown cannot reasonably remedy the delays emanating from those circumstances once they arise.

Since this new framework was retrospective, these time lines applied to most cases already in the system.

The Public Prosecution Service created two (2) term Crown Attorney positions to assist the Service in dealing with pressures associated with the new delay framework in place resulting from the Jordan Decision. The original funding for these term positions was granted in the 2017/18 Budget, with an extension for 2 years proposed for the 2018/19 Budget.

The Service has been able to combine these new positions with two existing positions to staff the Dartmouth Provincial Court Intake Team Pilot Project. The purpose of this pilot project is to determine if a shift in the timing of Crown work on files can:

- ✓ Increase early resolution of files.
- ✓ Identify and address files with Realistic Prospect of Conviction issues.
- ✓ Improve the quality of files being set for trial.
- ✓ Lower the number of court appearances on the routine criminal files.

The Intake Team was put in place September 1, 2017.

Domestic Violence Court – Cape Breton

The Domestic Violence Court was an initiative of a number of justice system partners which began in the 2011/12 fiscal year. The funding and FTEs for two positions (one Crown Attorney and one Legal Assistant) was added to the Public Prosecution Service budget and was scheduled to end on March 31, 2017.

The funding and FTEs for these two positions was made permanent in the 2017/18 Budget. Permanent funding and FTEs are now in place for this specialty court.

Domestic Violence Court – Expansion Halifax Regional Municipality

The Domestic Violence Court expansion, announced in the October 13, 2016 Throne Speech, officially opened on February 28, 2018. This court sits one day a week at the Provincial Court on Spring Garden Road in Halifax. The dedicated Crown Attorney for this court has been hired with the funding and FTE for this permanent position provided in the 2017/18 Budget.

Financial Summary

Departmental Expenses Summary
($ thousands)

Programs and Services	2017-2018 Estimate	2017-2018 Forecast	2018-2019 Estimate
Head Office	2,608	2,864	2,866
Cape Breton Region	3,549	3,548	3,552
Central Region	3,059	2,923	3,051
Halifax Region	7,964	8,490	8,263
Western Region	3,031	3,073	2,988
Appeals Division	1,079	1,064	1,286
Special Prosecution Division	2,490	2,258	2,345
Total - Departmental Expenses	**23,780**	**24,220**	**24,351**
Ordinary Recoveries	**262**	**474**	**293**
Funded Staff (# of FTEs)			
Department Funded Staff	**173.3**	**170.3**	**173.8**

Note:
For Ordinary Revenues, see Estimates and Supplementary Detail Book, Chapter 2
For TCA Purchase Requirements, see Estimates and Supplementary Detail Book, Chapter 1